

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PSYCHOLOGICAL COUNSELING THERAPIES, PLLC

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27 Polo Greene Drive, Martinsburg, WV 25401

*

(Full name and address of the plaintiff)

Plaintiff(s)

vs.

*

FRONTIER COMMUNICATIONS CORPORATION

401 Merritt 7, Norwalk, CT 06851

*

*

(Full name and address of the defendant(s))

Defendant(s)

*

Civil No.:

3:19cv213

(Leave blank. To be filled in by Court.)

FILED
DEC 12 2019
U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

COMPLAINT

1. Jurisdiction in this case is based on:



Diversity (none of the defendants are residents of the state where plaintiff is a resident)



Federal question (suit is based upon a federal statute or provision of the United States Constitution)



Other (explain) _____

2. The facts of this case are:

This case is a breach of contract based upon diversity jurisdiction.

Plaintiff Psychological Counseling Therapies, PLLC ("PCT") is a party to the underlying contract.

Dr. Michael Gray is the sole owner of Psychological Counseling Therapies, PLLC.

Defendant Frontier Communications Corporation ("FCC") is headquartered at

401 Merritt 7, Norwalk, CT 06851. FCC provides telecommunication services nationwide.

On or about June 1, 2019, PCT contacted Frontier Communications Corporation ("FCC") for
telecommunication services at its office located at 27 Polo Greene Drive, Martinsburg, WV 25401

The parties entered into an agreement on or about June 3, 2019.

The terms of the agreement included provision of voicemail services to be used for establishing
office appointments, a fax number that would be EPI-static secured for HIPAA compliance, and
a Wi-Fi package for two computers.

FCC said that it would originally take two weeks to set up, but agreed to arrange the systems
within three to four days in recognition that the Plaintiff provided life-or-death services to
call-in patients.

FCC took three weeks to set up the system initially. However, the voicemail did not work after
approximately one month.

Plaintiff contacted FCC for technical support, and spoke with a mid-level manager to discuss
resolving the issues. The manager acknowledged that FCC failed to properly set up the system,
and promised to fix it promptly. Another nine weeks passed without a functioning system.

Plaintiff called Robert "Snuckle" (Assistant to the President's Office of FCC) who acknowledged
that there was an error and apologized for the errors.

2. The facts of this case are:

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Robert Snuckle further recognized that the Plaintiff lost business as a result.

Plaintiff did not pay toward any bills for these services because Mr. Snuckle stated that charging the Plaintiff for services not rendered would constitute fraud. Plaintiff otherwise performed on his part of the contract.

For the foregoing reasons, Defendants breached the contract with Plaintiff and caused significant injuries to Plaintiff's business.

Plaintiff lost five months' of clients and business opportunities causing actual and consequential damages in excess of this Court's jurisdictional threshold.

Plaintiff lost access to approximately fifty clients whom PCT was unable to give timely responses to ensure the clients received medication management in accordance with state compliance guidelines for recovery.

3. The relief I want the court to order is:

☒ Damages in the amount of: \$125,000.00 _____

☐ An injunction ordering: _____

☐ Other (explain) _____

(Date)

(Signature)

Dr. Michael A. Gray, EDD, WVLP #1077

Owner of Psychological Counseling Therapies, PLLC

27 Polo Greene Drive, Martinsburg, WV 25401

(304) 901-4298

(Printed name, address and phone number of
Plaintiff)

Privacy Rules and Judicial Conference Privacy Policy

Under the E-Government Act and Judicial Conference policy, any paper filed with the court should not contain an individual's social security number, full birth date, or home address; the full name of person known to be a minor; or a complete financial account number. These rules address the privacy concerns resulting from public access to electronic case files.